

Chapter 3: Mediation Conference

What happens at a mediation conference?

The first time parties come to Court for a child support order, they must attend a mediation conference. A Family Court mediator will use the Delaware Child Support Formula to calculate the support amount, and help the parents to come to an agreement.

Do parties have to go to a mediation conference to get a child support order?

Yes, a mediation conference is the first step. Most parents reach an agreement during the mediation conference, and a child support consent order is signed. If the parents cannot agree, an interim or temporary order may be issued. Then a hearing before a commissioner will be scheduled to determine the amount of child support and issue a permanent order.

What do I need to bring to the mediation conference?

You must to bring any evidence of your income and expenses for your child(ren).

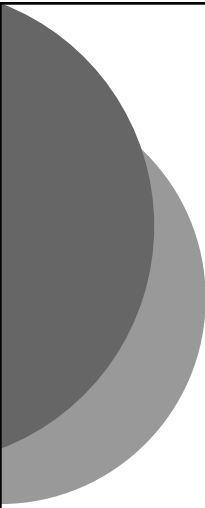
Adequate documentation of income includes, but is not limited to:

- recent tax returns
- W-2 Forms
- a party's three most recent pay stubs
- documentation of payments from Social Security
- documentation of payments from Unemployment Compensation
- documentation of payments from Worker's Compensation
- a recent physician's statement as to any claimed disability

Self-employed individuals must also bring a "Schedule C" tax form and supporting documentation for significant expense categories.

Adequate documentation of child care expenses may include, but is not limited to:

- cancelled checks used as payment for childcare
- childcare contracts
- receipts of payment for childcare



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What happens if a party does not bring documentation of income and expenses to the mediation conference?

Failure to bring documentation of income may result in the Court “attributing income” to that party. This means that the Court will determine how much income the party should be earning based on their education, training and experience and will use that number in the calculation. If this number is more than the party actually makes, it will result in a higher child support payment. Therefore, it is in each party’s best interest to bring documentation of income.

Failure to bring documentation of expenses may result in the dismissal of your petition or a result contrary to your interests.

What happens if the parties cannot agree at mediation?

If the parties cannot agree on a support amount at the mediation conference, an interim or temporary order may be issued. A hearing then will be scheduled before a Commissioner.